

CITY COUNCIL MINUTES  
NORMAN UTILITIES AUTHORITY MINUTES  
NORMAN MUNICIPAL AUTHORITY MINUTES  
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES

December 22, 2009

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building on the 22nd day of December, 2009, at 6:30 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray and at the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
ABSENT:	None

The Pledge of Allegiance was led by Mayor Rosenthal.

\* \* \* \* \*

Item 3, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 4 through Item 20 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Cubberley; and the question being upon the placement on the consent docket by unanimous vote of Item 4 through Item 20, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Item 4 through Item 20 were placed on the consent docket by unanimous vote.

\* \* \* \* \*

Item 4, being:

APPROVAL OF THE MINUTES AS FOLLOWS:

- CITY COUNCIL FINANCE COMMITTEE MINUTES OF NOVEMBER 18, 2009
- CITY COUNCIL STUDY SESSION MINUTES OF DECEMBER 1, 2009
- CITY COUNCIL SPECIAL SESSION MINUTES OF DECEMBER 8, 2009
- CITY COUNCIL MINUTES OF DECEMBER 8, 2009
- NORMAN UTILITIES AUTHORITY MINUTES OF DECEMBER 8, 2009
- NORMAN MUNICIPAL AUTHORITY MINUTES OF DECEMBER 8, 2009
- NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF DECEMBER 8, 2009

Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, Councilmember Kovach moved that the minutes be approved and the filing thereof be directed, which motion was duly seconded by Councilmember Cubberley;

- Items submitted for the record
- 1. City Council Finance Committee minutes of November 18, 2009
  - 2. City Council Study Session minutes of December 1, 2009
  - 3. City Council Special Session minutes of December 8, 2009
  - 4. City Council minutes of December 8, 2009
  - 5. Norman Utilities Authority minutes of December 8, 2009
  - 6. Norman Municipal Authority minutes of December 8, 2009
  - 7. Norman Tax Increment Finance Authority minutes of December 8, 2009

Item 4, continued:

and the question being upon approving the minutes and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the minutes approved; and the filing thereof was directed.

\* \* \* \* \*

Item 5, being:

SUBMISSION OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF NOVEMBER 30, 2009.

Councilmember Kovach moved that receipt of the report be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Cubberley;

- Items submitted for the record
- 1. Finance Director's Investment Report of November 30, 2009

and the question being upon acknowledging receipt of the report and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and receipt of the report acknowledged; and the filing thereof was directed.

\* \* \* \* \*

Item 6, being:

SUBMISSION OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF NOVEMBER, 2009.

Councilmember Kovach moved that receipt of the reports be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Cubberley;

- Items submitted for the record
- 1. Monthly Departmental Reports for the month of November, 2009

and the question being upon acknowledging receipt of the reports and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and receipt of the reports acknowledged; and the filing thereof was directed.

\* \* \* \* \*

Item 7, being:

SUBMISSION OF A REPORT ENTITLED "COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2009," AS PREPARED BY THE CITY OF NORMAN FINANCE DEPARTMENT FOR THE CITY OF NORMAN, OKLAHOMA, NORMAN UTILITIES AUTHORITY, NORMAN MUNICIPAL AUTHORITY, AND NORMAN TAX INCREMENT FINANCE AUTHORITY.

Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, Councilmember Kovach moved that receipt of the report be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Memorandum dated December 15, 2009, from Clint Mercer, Chief Accountant, through Anthony Francisco, Director of Finance, to Honorable Mayor and City Councilmembers
2. Comprehensive Annual Financial Report for the City of Norman, Oklahoma, Fiscal Year Ended June 30, 2009, prepared by the City of Norman Finance Department

and the question being upon acknowledging receipt of the report and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and receipt of the report acknowledged; and the filing thereof was directed.

\* \* \* \* \*

Item 8, being:

CONSIDERATION OF BID NO. 0910-34; CONTRACT NO. K-0910-103 WITH DIVERSIFIED CONSTRUCTION OF OKLAHOMA, INC., IN THE AMOUNT OF \$2,064,000; PERFORMANCE BOND NO. B-0910-32; STATUTORY BOND NO. B-0910-33; MAINTENANCE BOND NO. MB-0910-27; AND RESOLUTION NO. R-0910-80 FOR THE FIRE STATION NO. EIGHT CONSTRUCTION PROJECT LOCATED ON 36TH AVENUE N.W. ONE-FOURTH MILE NORTH OF TECUMSEH ROAD AND BUDGET APPROPRIATION.

Councilmember Kovach moved that all bids meeting specifications be accepted; the bid in the amount of \$2,064,000 be awarded to Diversified Construction of Oklahoma, Inc., as the lowest and best bidder meeting specifications; Contract No. K-0910-103 and the performance, statutory, and maintenance bonds be approved; the filing of the bonds be directed; execution of the contract be authorized; Resolution No R-0910-80 be adopted; and \$341,626 be appropriated from Public Safety Sale Tax Fund (010-0000-313.10-09) and \$17,981 from Public Safety Use Tax Fund (010-0000-313.10-10) to Project No. FT0002, Fire Station #8 West Side, Construction (050-9377-419.61-01), which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Memorandum dated December 3, 2009, from James Fullingim, Fire Chief, to Honorable Mayor and City Council
2. Bid tabulation for the construction of Fire Station No. Eight for the Norman Fire Department
3. Location map
4. Conceptual drawing
5. Contract No. K-0910-103
6. Performance Bond No. B-0910-32
7. Statutory Bond No. B-0910-33
8. Maintenance Bond No. MB-0910-27
9. Resolution No. R-0910-80
10. Purchase Requisition No. 0000165927 dated December 17, 2009, in the amount of \$2,064,000 to Diversified Construction of Oklahoma, Inc.

Participants in discussion

1. Mr. Steve Lewis, City Manager
2. Mr. James Fullingim, Fire Chief

Item 8, continued:

and the question being upon accepting all bids meeting specifications and upon the subsequent awarding of the bid; approval; directive; authorization; adoption; and appropriation, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid in the amount of \$2,064,000 was awarded to Diversified Construction of Oklahoma, Inc., as the lowest and best bidder meeting specifications; Contract No. K-0910-103 and the performance, statutory, and maintenance bonds were approved; the filing of the bonds was directed; execution of the contract was authorized; Resolution No. R-0910-80 was adopted; and \$341,626 was appropriated from Public Safety Sale Tax Fund (010-0000-313.10-09) and \$17,981 from Public Safety Use Tax Fund (010-0000-313.10-10) to Project No. FT0002, Fire Station #8 West Side, Construction (050-9377-419.61-01).

\* \* \* \* \*

Item 9, being:

CONSIDERATION OF BID NO. 0910-35 AND APPROVAL OF THE FOLLOWING CONTRACTS FOR DISASTER DEBRIS CLEARANCE AND REMOVAL SERVICES:

CONTRACT NO. K-0910-123: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND T.F.R. ENTERPRISES, INC.

CONTRACT NO. K-0910-124: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND JIMMY CROWDER EXCAVATING AND LAND CLEARING, INC., D/B/A CROWDER DISASTER RECOVERY.

CONTRACT NO. K-0910-125: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND DRC EMERGENCY SERVICES, L.L.C.

Councilmember Kovach moved that all bids meeting specifications be accepted and the bid be awarded to T.F.R. Enterprises, Inc.; Jimmy Crowder Excavating and Land Clearing, Inc., d/b/a Crowder Disaster Recovery; and DRC Emergency Services, L.L.C., as the lowest and best bidders meeting specifications, which motion was duly seconded by Councilmember Cubberley;

- Items submitted for the record
- 1. Memorandum dated December 1, 2009, from Bob Hanger, City Engineer, to Honorable Mayor and Councilmembers
  - 2. Bid tabulation dated November 12, 2009, for Disaster Debris Clearance and Removal Services

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

and the question being upon accepting all bids meeting specifications and upon the subsequent awarding of the bid, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and all bids meeting specifications accepted; and the bid was awarded to T.F.R. Enterprises, Inc.; Jimmy Crowder Excavating and Land Clearing, Inc., d/b/a Crowder Disaster Recovery; and DRC Emergency Services, L.L.C., as the lowest and best bidders meeting specifications.

Thereupon, Councilmember Kovach moved that Contract No. K-0910-123 with T.F.R. Enterprises, Inc., be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Item 9, continued:

Items submitted for the record

- 1. Memorandum dated December 1, 2009, from Bob Hanger, City Engineer, to Honorable Mayor and Councilmembers
- 2. Contract No. K-0910-123 with Attachment A, Proposer’s Bid Certification Form with Schedule 1 – Hourly Equipment and Labor Price Schedule, and Schedule 2 – Unit Rate Price Schedule

and the question being upon approving Contract No K-0910-123 with T.F.R. Enterprises, Inc., and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Contract No. K-0910-123 with T.F.R. Enterprises, Inc. approved; and the execution thereof was authorized.

Thereupon, Councilmember Kovach moved that Contract No. K-0910-124 with Jimmy Crowder Excavating and Land Clearing, Inc., d/b/a Crowder Disaster Recovery be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Memorandum dated December 1, 2009, from Bob Hanger, City Engineer, to Honorable Mayor and Councilmembers
- 2. Contract No. K-0910-124 with Attachment A, Proposer’s Bid Certification Form, Schedule 1 – Hourly Equipment and Labor Price Schedule, and Schedule 2 – Unit Rate Price Schedule

and the question being upon approving Contract No K-0910-124 with Jimmy Crowder Excavating and Land Clearing, Inc., d/b/a Crowder Disaster Recovery and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Contract No. K-0910-124 with Jimmy Crowder Excavating and Land Clearing, Inc., d/b/a Crowder Disaster Recovery approved; and the execution thereof was authorized.

Thereupon, Councilmember Kovach moved that Contract No. K-0910-125 with DRC Emergency Services, L.L.C., be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Memorandum dated December 1, 2009, from Bob Hanger, City Engineer, to Honorable Mayor and Councilmembers
- 2. Contract No. K-0910-125 with Attachment A, Proposer’s Bid Certification Form with Schedule 1 – Hourly Equipment and Labor Price Schedule, and Schedule 2 – Unit Rate Price Schedule

and the question being upon approving Contract No K-0910-125 with DRC Emergency Services, L.L.C., and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	=None

The Mayor declared the motion carried and Contract No. K-0910-125 with DRC Emergency Services, L.L.C., approved; and the execution thereof was authorized.

Item 10, being:

LIMITED LICENSE NO. 0910-6: LIMITED LICENSE TO PLACE FOUR (4) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FIREHOUSE ART CENTER FOR THE CHOCOLATE FESTIVAL.

Councilmember Kovach moved that Limited License No. 0910-6 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the Chocolate Festival be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Memorandum dated December 10, 2009, from Wayne D. Stenis, AICP, Planner II, to Honorable Mayor and Councilmembers, Norman City Council
2. Limited License No. 0910-6
3. Application for Limited License for four signs dated November 19, 2009, from the Firehouse Art Center

and the question being upon approving Limited License No. 0910-6 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the Chocolate Festival and upon the subsequent authorization, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Limited License No. 0910-6 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the Chocolate Festival approved; and the issuance thereof was authorized.

\* \* \* \* \*

Item 11, being:

CONSIDERATION OF TEMPORARY CONSENT TO ENCROACHMENT NO. 0910-4 FOR LOT 1, BLOCK 1, FOWLER ADDITION. (950 INTERSTATE DRIVE NORTH)

Councilmember Kovach moved that Temporary Consent to Encroachment No. 0910-4 be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Memorandum dated December 14, 2009, from R. Blaine Nice, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to the Honorable Mayor and Councilmembers
2. Temporary Consent to Encroachment No. 0910-4
3. Letter of request dated November 23, 2009, from Ole M. Marcussen, P.E., SMC Consulting Engineers, P.C., to Mrs. Brenda Hall, City Clerk
4. Location maps
5. Memorandum dated November 25, 2009, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Doug Koscinski, Current Planning Manager; Ken Danner, Development Coordinator; and Ken Komiske, Director of Utilities
6. Memorandum dated December 16, 2009, from Doug Koscinski, AICP, Manager of Current Planning, to Honorable Mayor and Councilmembers
7. Memorandum dated December 8, 2009, from Jim Speck, Capital Projects Engineer, to Brenda Hall, City Clerk
8. Memorandum dated December 8, 2009, from Ken Danner, Development Manager, to Blaine Nice, Assistant City Attorney
9. Letter dated November 30, 2009, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Ken Danner, Development Coordinator
10. Email dated December 1, 2009, from Thad Peterson, Supervisor of Engineering Services, Oklahoma Electric Cooperative, to Ken Danner

Item 11, continued:

Items submitted for the record, continued:

- 11. Letter dated December 2, 2009, from Shannon Davis, Oklahoma Natural Gas, a Division of ONEOK, to Ken Danner, Development Coordinator Manager, and Drew Norlin, Assistant Development Coordinator
- 12. Letter dated December 8, 2009, from Marshall Birchett, Right-of-Way Agent, Cox Communications, Inc., to Ken Danner, Planning and Community Development
- 13. Letter dated December 8, 2009, from Terri Hayes, Manager – OSP Planning and Engineering Design, Norman/Noble Wire Centers, AT&T, to Whom It May Concern

and the question being upon approving Temporary Consent to Encroachment No. 0910-4 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Temporary Consent to Encroachment No. 0910-4 approved; and the filing thereof with the Cleveland County Clerk was directed.

\* \* \* \* \*

Item 12, being:

AMENDMENT NO. SIX TO CONTRACT NO. K-0304-65: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND SORCE, INC., IN AN AMOUNT NOT-TO-EXCEED \$60,000 FOR THE WASTEWATER SLUDGE REDUCTION PROJECT AND EXTENDING THE CONTRACT TO DECEMBER 23, 2010.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Amendment No. Six to Contract No. K-0304-65 with Sorce, Inc., in an amount not-to-exceed \$60,000 and extending the contract to December 23, 2010, be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Cubberley;

Items submitted for the record

- 1. Memorandum dated November 17, 2009, from Ralph Arnett, Utilities Superintendent, to Norman Utilities Authority
- 2. Amendment No. Six to Contract No. K-0304-65 with Revised Exhibit A, Equipment, Products and Services Provided by Sorce for Labor, Nutrients, and Organisms for Sludge Reduction including fees for maintenance
- 3. Purchase Requisition No. 0000165851 dated December 16, 2009, in the amount of \$60,000 to Sorce, Inc.

and the question being upon approving Amendment No. Six to Contract No. K-0304-65 with Sorce, Inc., in an amount not-to-exceed \$60,000 and extending the contract to December 23, 2010, and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and Amendment No. Six to Contract No. K-0304-65 with Sorce, Inc., in an amount not-to-exceed \$60,000 and extending the contract to December 23, 2010, approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 13, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0506-82: A SUPPLEMENTAL AGREEMENT TO A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR FEDERAL-AID PROJECT NO. TCSP-0H68(007) DC, STATE JOB NO. 22670(04) OUTLINING THE RESPONSIBILITIES OF ODOT AND THE CITY OF NORMAN FOR THE ROBINSON STREET GRADE SEPARATION PROJECT.

Councilmember Kovach moved that Amendment No. One to Contract No. K-0506-82 with the Oklahoma Department of Transportation (ODOT) be approved, the execution thereof be authorized, and payment in the amount of \$3,339,603 be directed to ODOT for the City’s 20% share, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Memorandum dated December 8, 2009, from John Clink, Capital Projects Engineer, to Honorable Mayor and Councilmembers
2. Location map
3. Amendment No. One to Contract No. K-0506-82 with Attachment “A”, Table 1, Estimated Project Budget, Robinson Street/Railroad Separation Project
4. Purchase Requisition No. 0000165659 dated December 10, 2009, in the amount of \$3,339,603 to ODOT

and the question being upon approving Amendment No. One to Contract No. K-0506-82 with ODOT and upon the subsequent authorization and directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Amendment No. One to Contract No. K-0506-82 with ODOT approved; the execution thereof was authorized, and payment in the amount of \$3,339,603 was directed to ODOT for the City’s 20% share.

\* \* \* \* \*

Item 14, being:

CONSIDERATION OF THE FOLLOWING CONTRACTS:

CONTRACT NO. K-0910-105: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND COX TMI WIRELESS, L.L.C., FOR THE LEASE OF A CELL TOWER SITE FOR PLACEMENT OF EQUIPMENT ON THE BROOKHAVEN WATER TOWER LOCATED AT 4151 WEST ROBINSON STREET FOR A FIVE-YEAR PERIOD.

CONTRACT NO. K-0910-106: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND COX TMI WIRELESS, L.L.C., FOR THE LEASE OF A CELL TOWER SITE FOR PLACEMENT OF EQUIPMENT ON THE CASCADE WATER TOWER LOCATED AT 3199 36TH AVENUE N.W. FOR A FIVE-YEAR PERIOD.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Contract No. K-0910-105 with Cox TMI Wireless, L.L.C., for the lease of a cell tower site for placement of equipment on the Brookhaven Water Tower be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Cubberley;

Items submitted for the record

1. Memorandum dated December 10, 2009, from Jennifer Gray, Telecommunications Administrator, through Anthony Francisco, Finance Director, to Honorable Mayor and Councilmembers
2. Contract No. K-0910-105 with Exhibit A, Legal Description of Owner’s Property; Exhibit B, Site Plan; Exhibit C, sample Memorandum of Agreement with Exhibit A, Legal Description of Owner’s Property; Exhibit D, Temporary Relocation Right; and signed and executed Memorandum of Agreement with Exhibit A, Legal Description of Owner’s Property



Item 14, continued:

and the question being upon approving Contract No. K-0910-105 Cox TMI Wireless, L.L.C., for the lease of a cell tower site for placement of equipment on the Brookhaven Water Tower and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and Contract No. K-0910-105 with Cox TMI Wireless, L.L.C., for the lease of a cell tower site for placement of equipment on the Brookhaven Water Tower approved; and the execution thereof was authorized.

Thereupon, Trustee Kovach moved that Contract No. K-0910-106 with Cox TMI Wireless, L.L.C., for the lease of a cell tower site for placement of equipment on the Cascade Water Tower be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Cubberley;

Items submitted for the record

1. Memorandum dated December 10, 2009, from Jennifer Gray, Telecommunications Administrator, through Anthony Francisco, Finance Director, to Honorable Mayor and Councilmembers
2. Contract No. K-0910-106 with Exhibit A, Legal Description of Owner’s Property; Exhibit B, Site Plan; Exhibit C, sample Memorandum of Agreement with Exhibit A, Legal Description of Owner’s Property; Exhibit D, Temporary Relocation Right; and signed and executed Memorandum of Agreement with Exhibit A, Legal Description of Owner’s Property

and the question being upon approving Contract No. K-0910-106 Cox TMI Wireless, L.L.C., for the lease of a cell tower site for placement of equipment on the Cascade Water Tower and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and Contract No. K-0910-106 with Cox TMI Wireless, L.L.C., for the lease of a cell tower site for placement of equipment on the Cascade Water Tower approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 15, being:

CONTRACT NO. K-0910-119: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR FEDERAL-AID PROJECT NO. IMY-0035-2(307)111S, STATE JOB NO. 25922(04), FOR THE CONSTRUCTION OF THE ROCK CREEK ROAD OVERPASS, PHASE II; ADOPTION OF RESOLUTION NO. R-0910-64; AND BUDGET APPROPRIATION.

Councilmember Kovach moved that Contract No. K-0910-119 with the ODOT be approved; Resolution No. R-0910-64 be adopted; the execution of the contract and resolution be authorized; \$60,000 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. DR0010, Brookhaven Creek/Robinson-Crossroads, Construction (050-9968-431.61-01); and payment in the amount of \$1,237,556 for the City’s 20% share be directed to ODOT, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Memorandum dated November 30, 2009, from John Clink, Capital Projects Engineer, and Bob Hanger, City Engineer, to Honorable Mayor and Councilmembers
2. Location maps
3. Contract No. K-0910-119
4. Resolution No. R-0910-64
5. Purchase Requisition No. 0000165905 dated December 16, 2009, in the amount of \$1,237,556 to ODOT

Item 15, continued:

and the question being upon approving Contract No. K-0910-119 with ODOT and upon the subsequent adoption, authorization, appropriation, and directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Contract No. K-0910-119 with ODOT approved, Resolution No. R-0910-64 was adopted; the execution of the contract and resolution was authorized; \$60,000 was appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. DR0010, Brookhaven Creek/Robinson-Crossroads, Construction (050-9968-431.61-01); and payment in the amount of \$1,237,556 for the City’s 20% share was directed to ODOT.

\* \* \* \* \*

Item 16, being:

CONTRACT NO. K-0910-121: A COST SHARING AGREEMENT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND SWEETGRASS COMMUNITIES, L.L.C., IN AN AMOUNT NOT-TO-EXCEED \$128,300 FOR THE CITY’S SHARE FOR THE DESIGN AND CONSTRUCTION OF THE LIFT STATION D WATER LINE PROJECT IN CONNECTION WITH RED CANYON RANCH, A PLANNED UNIT DEVELOPMENT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Contract No. K-0910-121 with Sweetgrass Communities, L.L.C., in an amount not-to-exceed \$128,300 be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Cubberley;

Items submitted for the record

- 1. Memorandum dated December 8, 2009, from Mark Daniels, Utilities Engineer, to Norman Utilities Authority
- 2. Contract No. K-0910-121 with Exhibit A; Cost Estimates for Lift Station D Water Line Options; Exhibit B, Location Map; Exhibit C, Cost Estimates for Lift Station D/Red Canyon Ranch Water Line; and Exhibit D, Final Plat and Preliminary Plat, Alternate "B"
- 3. Purchase Requisition No. 0000165656 dated December 10, 2009, in the amount of \$128,300 to Sweetgrass Communities, L.L.C.

and the question being upon approving Contract No. K-0910-121 with Sweetgrass Communities, L.L.C., in an amount not-to-exceed \$128,300 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:

Trustees Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal

NAYES:

None

The Chairman declared the motion carried and Contract No. K-0910-121 with Sweetgrass Communities, L.L.C., in an amount not-to-exceed \$128,300 approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 17, being:

CONSIDERATION OF THE FOLLOWING CONTRACTS:

CONTRACT NO. K-0910-130: A REIMBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CONOCOPHILLIPS PIPELINE COMPANY, A DELAWARE CORPORATION, IN THE AMOUNT OF \$127,000 FOR PROPERTY LOCATED ON THE WEST SIDE OF NORTH INTERSTATE DRIVE IN CONNECTION WITH THE ROCK CREEK ROAD OVERPASS PROJECT.

CONTRACT NO. K-0910-131: A RIGHT-OF-WAY AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CONOCOPHILLIPS PIPELINE COMPANY, A DELAWARE CORPORATION, FOR PROPERTY LOCATED ON THE WEST SIDE OF INTERSTATE DRIVE IN CONNECTION WITH THE ROCK CREEK ROAD OVERPASS PROJECT.

Councilmember Kovach moved that Contract No. K-0910-130, a reimbursement agreement with ConocoPhillips Pipeline Company, a Delaware Corporation, in the amount of \$127,000 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Memorandum dated December 7, 2009, from John Clink, Capital Projects Engineer, to Honorable Mayor and Councilmembers
- 2. Location map
- 3. Contract No. K-0910-130 with Exhibit A, Right-of-Way Contract, Partial Release of Right-of-Way Grant, and location map; Exhibit B, Half Sole Repair/Reinforcement Sleeve, in 180-inch segments, with long edges beveled 30 degrees; and Exhibit C, Cost Estimate and Project Definition, Protective Action, and Scope of Work

and the question being upon approving Contract No. K-0910-130, a reimbursement agreement with ConocoPhillips Pipeline Company, a Delaware Corporation, in the amount of \$127,000 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Contract No. K-0910-130, a reimbursement agreement with ConocoPhillips Pipeline Company, a Delaware Corporation, in the amount of \$127,000 approved; and the execution thereof was authorized.

Thereupon, Councilmember Kovach moved that K-0910-131, a right-of-way and encroachment agreement with ConocoPhillips Pipeline Company, a Delaware Corporation, be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Memorandum dated December 7, 2009, from John Clink, Capital Projects Engineer, to Honorable Mayor and Councilmembers
- 2. Location map
- 3. Contract No. K-0910-131 with Exhibit A; Right-of-Way Contract, Partial Release of Right-of-Way Grant, and location maps, and Exhibit B, ConocoPhillips Pipe Line Company Encroachment Guidelines

and the question being upon approving Contract No. K-0910-131, a right-of-way and encroachment agreement with ConocoPhillips Pipeline Company, a Delaware Corporation, and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Contract No. K-0910-131, a right-of-way and encroachment agreement with ConocoPhillips Pipeline Company, a Delaware Corporation approved; and the execution thereof was authorized.

Item 18, being:

CONSIDERATION OF A RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT OF KELSEY LUNSFORD VS. THE CITY OF NORMAN, CLEVELAND COUNTY DISTRICT COURT CASE NO. CJ-2008-291 BH.

Councilmember Kovach moved that the City Attorney's recommendation be approved and the City Attorney's Office be authorized to effectuate the settlement, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Memorandum dated December 14, 2009, from Rickey J. Knighton, II, and Leah K. Bunney, Assistant City Attorneys, through Jeff Harley Bryant, City Attorney, to Honorable Mayor and Councilmembers
- 2. Memorandum dated February 11, 2008, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney
- 3. Cleveland County District Court Case No. CJ-2008-291-BH, Kelsey Lunsford vs. .the City of Norman

and the question being upon approving the City Attorney's recommendation and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the City Attorney's recommendation approved; and the City Attorney's Office was authorized to effectuate the settlement.

\* \* \* \* \*

Item 19, being:

RESOLUTION NO. R-0910-71: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF MUNICIPAL AND MUNICIPAL RUNOFF ELECTIONS.

Councilmember Kovach moved that Resolution No. R-0910-71 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Resolution No. R-0910-71

and the question being upon adopting Resolution No. R-0910-71, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-0910-71 was adopted.

\* \* \* \* \*

Item 20, being:

RESOLUTION NO. R-0910-78: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$124,198.64 FROM THE CAPITAL FUND BALANCE TO PAY A CLAIM FROM THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) IN CONNECTION WITH THE ROBINSON STREET WIDENING PROJECT BETWEEN BROOKHAVEN BOULEVARD AND 48TH AVENUE N.W.

Councilmember Kovach moved that Resolution No. R-0910-78 be adopted and payment in the amount of \$202,787.73 be directed to ODOT, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Memorandum dated December 10, 2009, from John Clink, Capital Projects Engineer, to Honorable Mayor and City Councilmembers
- 2. Resolution No. R-0910-78
- 3. Location map
- 4. Invoice No. 18206(04)-1 dated September 22, 2009, in the amount of \$202,787.73 from Comptroller Division, ODOT, to Mr. Steve Lewis City Manager, with Summary of costs for JP 18206(04) – STP-114B(043)AG to accompany invoice to City of Norman
- 5. Contract No. K-0304-165
- 6. Purchase Requisition No. 0000165792 dated December 15, 2009, in the amount of \$202,787.73 to ODOT

Participants in discussion

- 1. Mr. Jeff Bryant, City Attorney

and the question being upon adopting Resolution No. R-0910-78 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-0910-78 adopted; and payment in the amount of \$202,787.73 was directed to ODOT.

\* \* \* \* \*

Item 21, being:

CONSIDERATION OF AMENDED NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-0910-1 FOR WESTRIDGE FARMS ADDITION.

Councilmember Kovach moved that Amended Norman Rural Certificate of Survey No. COS-0910-1 be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

- 1. Memorandum dated December 15, 2009, from R. Blaine Nice, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to the Honorable Mayor and Councilmembers
- 2. Letter dated December 15, 2009, from Harold Heiple, Heiple Law Offices, Inc., to Jeff Bryant, City Attorney
- 3. Restrictive Covenants for Westridge Farms Addition
- 4. Private Water Service Line Agreement previously considered by City Council on November 24, 2009
- 5. Location maps
- 6. Amended Norman Rural Certificate of Survey No. COS-0910-1
- 7. Staff Report dated October 8, 2009, recommending approval
- 8. Pertinent excerpts from Planning Commission minutes of October 8, 2009
- 9. Pertinent excerpts from City Council minutes of November 24, 2009

Item 21, continued:

Participants in discussion

1. Mr. Harold Heiple, 218 East Eufaula Street, attorney representing the applicant

and the question being upon approving Amended Norman Rural Certificate of Survey No. COS-0910-1 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
-------	--

NAYES:	None
--------	------

The Mayor declared the motion carried and Amended Norman Rural Certificate of Survey No. COS-0910-1 approved; and the filing thereof with the Cleveland County Clerk was directed.

\* \* \* \* \*

Item 22, being:

ORDINANCE NO. O-0910-10: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A PUBLIC UTILITY EASEMENT STRADDLING THE COMMON BOUNDARY BETWEEN LOT 1 AND LOT 2, BLOCK 10, PARK HILL ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (LOCATED AT 3444 AND 3448 GRANT ROAD)

Ordinance No. O-0910-10 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 8, 2009, Councilmember Kovach moved that Ordinance No. O-0910-10 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Memorandum dated November 24, 2009, from Doug Koscinski, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers
2. Ordinance No. O-0910-10
3. Location maps
4. Staff Report dated November 12, 2009, recommending approval
5. Letter dated October 6, 2009, from Harold Heiple, Heiple Law Offices, Inc., to City of Norman City Clerk's Office
6. Petition to close a part of utility easement in Park Hill Addition (3444/3448 Grant Road, Norman, Oklahoma) dated October 6, 2009, to Brenda Hall, City Clerk, submitted by H.L. Heiple, Attorney-Agent, Heiple Law Offices, Inc., on behalf of Applicant, Ideal Homes of Norman, L.P.
7. Certificate of Bonded Abstractor dated September 10, 2009, by Scott A. Rountree, Abstractor License No. 4021, S.A.&I. Certificate of Authority No. 52, File No. 1386457-MO99, First American Title and Trust Company
8. Radius map
9. Pertinent excerpts from Planning Commission minutes of November 12, 2009

Participants in discussion

1. Mr. Harold Heiple, 218 East Eufaula Street, attorney representing the applicant

and the question being upon adopting Ordinance No. O-0910-10 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
-------	--

NAYES:	None
--------	------

The Mayor declared the motion carried and Ordinance No. O-0910-10 was adopted upon Second Reading section by section.

Item 22, continued:

Thereupon, Councilmember Kovach moved that Ordinance No. O-0910-10 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Quinn; and the question being upon adopting Ordinance No. O-0910-10 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-0910-10 was adopted upon Final Reading as a whole.

\* \* \* \* \*

Item 23, being:

ORDINANCE NO. O-0910-12: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 429.3 OF CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN TO DEFINE THE VISIBILITY OF CHANGES TO HISTORIC STRUCTURES; TO MODIFY THE MAKEUP OF THE HISTORIC DISTRICT COMMISSION; ADDING DEFINITIONS THERETO; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-0910-12 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 8, 2009, Councilmember Kovach moved that Ordinance No. O-0910-12 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Dillingham;

- Items submitted for the record
- 1. Memorandum dated December 1, 2009, from Susan Owen Atkinson, Historic Preservation Officer, to Honorable Mayor and Members of the City Council
  - 2. Ordinance No. O-0910-12
  - 3. Legislatively notated copy of Ordinance No. O-0910-12
  - 4. Memorandum dated October 30, 2009, from Susan F. Connors, Director, Planning and Community Development, to Chairman Jim Gasaway and Planning Commission Members
  - 5. Pertinent excerpts from Planning Commission minutes of November 12, 2009
  - 6. City Council Planning and Community Development Committee minutes of October 9, 2009
  - 7. Pertinent excerpts from City Council Conference minutes of October 27, 2009

- Participants in discussion
- 1. Ms. Susan Connors, Director of Planning and Community Development

and the question being upon adopting Ordinance No. O-0910-12 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-0910-12 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-0910-12 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Kovach; and the question being upon adopting Ordinance No. O-0910-12 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-0910-12 was adopted upon Final Reading as a whole.

\* \* \* \* \*

Item 24, being:

RESOLUTION NO. R-0910-81: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE HISTORIC PRESERVATION GUIDELINES USED BY THE NORMAN HISTORIC DISTRICT COMMISSION IN REVIEWING REQUESTS FOR CERTIFICATES OF APPROPRIATENESS IN HISTORIC DISTRICTS.

Councilmember Kovach moved that Resolution No. R-0910-81 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Resolution No. R-0910-78 with Exhibit “A,” Pages 31, 32, 83, 84, 87, and 88 of the Norman Historic Preservation Handbook with highlighted changes and diagram added to Page 32, Section 2.5, Fences and Walls

Participants in discussion

1. Ms. Susan Connors, Director of Planning and Community Development

and the question being upon adopting Resolution No. R-0910-81, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
-------	--

NAYES:	None
--------	------

The Mayor declared the motion carried and Resolution No. R-0910-81 was adopted.

\* \* \* \* \*

Item 25, being:

ORDINANCE NO. O-0910-18: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 4-1901 AND SECTION 4-1902 OF CHAPTER 4 OF THE CODE OF THE CITY OF NORMAN PROVIDING FOR HISTORIC DISTRICT COMMISSION MEMBER APPOINTMENTS AND PROVIDING FOR DUTIES OF COMMISSION MEMBERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-0910-18 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 8, 2009, Councilmember Kovach moved that Ordinance No. O-0910-18 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Ordinance No. O-0910-18
2. Legislatively notated copy of Ordinance No. O-0910-18

Participants in discussion

1. Ms. Susan Connors, Director of Planning and Community Development

and the question being upon adopting Ordinance No. O-0910-18 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
-------	--

NAYES:	None
--------	------

The Mayor declared the motion carried and Ordinance No. O-0910-18 was adopted upon Second Reading section by section.



Item 25, continued:

Thereupon, Councilmember Dillingham moved that Ordinance No. O-0910-18 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Kovach; and the question being upon adopting Ordinance No. O-0910-18 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-0910-18 was adopted upon Final Reading as a whole.

\* \* \* \* \*

Item 26, being:

ORDINANCE NO. O-0910-16: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF NORMAN, STATE OF OKLAHOMA (THE "CITY"), ON THE 2ND DAY OF MARCH, 2010, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY, THE QUESTION OF THE ISSUANCE OF THE BONDS OF SAID CITY IN AN AMOUNT NOT TO EXCEED THE SUM OF TWENTY ONE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$21,250,000) TO BE ISSUED IN SERIES TO PROVIDE FUNDS FOR THE PURPOSES OF (I) RECONSTRUCTING, REPAIRING, IMPROVING, AND REHABILITATING EXISTING STREETS, ROADS, AND INTERSECTIONS IN THE CITY (INCLUDING LIGHTING, SIDEWALKS/BIKE PATHS, LANDSCAPING, RELATED DRAINAGE IMPROVEMENTS, DRIVEWAY RECONSTRUCTION, AND OTHER RELATED IMPROVEMENTS), AND (II) IMPROVING THE CITY OUTDOOR SIREN WARNING SYSTEM BY ACQUIRING NEW WARNING SIRENS AND CONTROL STATION HARDWARE AND SOFTWARE, BY ACQUIRING LAND FOR WARNING SIRENS, AND BY MODIFYING AND RELOCATING CERTAIN OF THE EXISTING WARNING SIRENS, ALL TO BE OWNED EXCLUSIVELY BY THE CITY; AND LEVYING AND COLLECTING AN ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY FOR THE PAYMENT OF THE INTEREST AND PRINCIPAL ON SAID BONDS.

Ordinance No. O-0910-16 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 8, 2009, Councilmember Cubberley moved that Ordinance No. O-0910-18 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Memorandum dated December 2, 2009, from Anthony Francisco, Director of Finance, to Honorable Mayor and City Councilmembers
2. Ordinance No. O-0910-16
3. Special Election Proclamation and Notice
4. Pertinent excerpts from City Council Transportation Committee minutes of September 24 and October 15, 2009
5. City Council Study Session minutes of November 17, 2009

Participants in discussion

1. Mr. Steve Lewis, City Manager
2. Mr. Shawn O'Leary, Director of Public Works
3. Mr. James Fullingim, Fire Chief
4. Mr. Anthony Francisco, Director of Finance
5. Mr. Mark Campbell, 2821 Dewey Avenue, made comments
6. Ms. Cindy Nashert, 1101 Rockland Ridge, President of the Norman Chamber of Commerce, proponent
7. Ms. Sylvia Martin, Post Office Box 430, asked questions
8. Mr. Greg Hall, Street Superintendent
9. Mr. Jeff Bryant, City Attorney
10. Mr. Allan Brooks, Public Finance Law Group, Bond Counsel
11. Mr. Roger Gallagher, 1522 East Boyd Street, asked questions

Item 26, continued:

and the question being upon adopting Ordinance No. O-0910-16 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-0910-16 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-0910-16 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Cubberley; and the question being upon adopting Ordinance No. O-0910-16 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-0910-16 was adopted upon Final Reading as a whole.

\* \* \* \* \*

Item 27, being:

RESOLUTION NO. R-0910-79: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF A SPECIAL ELECTION TO BE HELD ON MARCH 2, 2010.

Councilmember Kovach moved that Resolution No. R-0910-79 be adopted, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record  
1. Resolution No. R-0910-79

and the question being upon adopting Resolution No. R-0910-79, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-0910-79 was adopted.

\* \* \* \* \*

MISCELLANEOUS DISCUSSION

Thanks to Council. Ms. Wanda Frost, Builders Association of South Central Oklahoma, 210 36th Avenue S.W., thanked the Mayor and City Council for the service they provide to the community as well as the time spent meeting with members of her association.

\*

Residents Removed from 783 DeBarr Avenue. Mr. Jeremy Philo, 783 DeBarr Avenue, said he was a Iraqi war veteran and is presently enrolled at Oklahoma City Community College. He said on Friday, December 18, 2009, he came home to find out he had two hours to move out of his home along with all the residents at 783 DeBarr Avenue and asked why more time was not given.

## Miscellaneous Discussion, continued:

Mr. Attila Balazs, 783 DeBarr Avenue, said his roommate had recently died and he had decided to leave town for California. He said he found out on Saturday, December 19, 2009, that he had been evicted along with all the tenants at 783 DeBarr Avenue because of code violations and his belongings would need to be removed. He said he returned and was notified that he would be unable to get back into the house until 8:00 a.m., December 23rd. He questioned the timeframe given to tenants and felt more time should have been given to accommodate the tenants.

Ms. Kara Joy McKee, 217 West Apache Street, spoke on behalf of the residents at 783 DeBarr Avenue. She said the residents had been community volunteers at Food and Shelter for Friends and Rerun Junction, a thrift store for developmentally disabled adults. She said the residents had hosted numerous free community events in their household during the last two years including art shows, a free meeting space for civic groups, workshops and this year's Ward Four Block Party. She said she was impressed by the effort expended by these young people to be productive members of the community by working with neighbors and the City to promote cultural enrichment and sustainability. She said the building had been previously used as a transition house for people with drug and alcohol issues who were moving back into society and this group of people had worked diligently to change this perception and to preserve the historic quality of the home and neighborhood. She said there is a lack of well-maintained low-income housing in Norman and she had been called by the residents last Friday night seeking shelter. She said the police officers were very polite and it was obvious they were concerned for the residents' safety because of Fire Code violations that had not been addressed by the landlord. She said the only option for housing given to the residents was to go to the Salvation Army which is the only emergency shelter in Norman. She asked why the residents were not given more notice and asked Council what they could do to help the residents.

Mr. Steven Tyler Holman, 783 DeBarr Avenue, said he had previously spoken in several City Council meetings about what the residents were trying to do with this 89-year old property because not much effort had been taken to maintain the property. He said most of his family lived in Norman so he had somewhere to go when he was told to vacate within two hours; but when the Fire Marshall came to the home, only four residents were present, the rest had either left for the holidays or were at work. He said when the Vista Building was vacated, the tenants were given enough time to get everything out. He said one of the residents who had supported restoring the home and promoting the arts had died in the house last week, was buried on Thursday, December 17, and the next day the residents were kicked out of the house. He said he knew City Council could not fix this problem overnight but he wanted citizens to know this had happened because there had been no mention of it in the newspaper or in the news. He said the home had been abandoned two years before they had moved in and the residents had a dream of restoring the house. He said much effort had been made with very limited funds because the landlord will not help out.

Mr. Beau Mansfield, 408 Chautauqua Avenue, said he had been the organist at the First Church of Christ Scientist for the last seven years and plays for other churches as well. He said he is a freelance accompanist for numerous people involved in the University of Oklahoma School of Music and has his own Jazz Band called "Extra Gender". He said this residence named "Universe City" was in a central location and supported people with an artistic lifestyle which benefits Norman economically and culturally and represents diversity. He asked why the tenants were given so little time to vacate the premises because this was not typical.

Mr. Mark Campbell, 2821 Dewey Avenue, said he sympathized with the residents because he, too, had been evicted from his apartment because he was playing his music too loud and it cost him a lot of money to retrieve his belongings which were in storage.

Mr. Roger Gallagher, 1522 East Boyd Street, suggested that these type of issues be dealt with through proactive Code Enforcement before problems get so serious.

Mr. Adam Asbell, 783 DeBarr Avenue, asked how City Council could help them achieve their goal of getting back into the house.

Dr. Dara Fogel, 1610 Chaucer Drive, said she supported the residents of 783 DeBarr Avenue because they have contributed greatly to the community and given young people a place to go to develop their talents and abilities without being drawn in to some of the darker sides where young people have no purpose or place to be. She said she felt they had been singled out and that if someone in other areas of Norman experienced the same issues, they would not be given two hours to get out of the house or given the alternative of going to the Salvation Army.

Miscellaneous Discussion, continued:

Mr. Richard Auer, 1610 Chaucer Drive, said he was relatively new to Norman and that he and his wife were founders of the Conscious Living Institute of Central Oklahoma which is conceived as a community networking and event-planning group. He said he wanted to officially recognize the community entity known as "Universe City" which is independent of the building in question. He said this entity had inspired quite a few young people and was displeased to hear another story about a landlord who does not seem to be capable of taking care of their property. He requested that the residents of 783 DeBarr Avenue be dealt with in a compassionate way and facilities be found for the displaced residents so they could continue to be vibrant additions to the community.

Mr. Chris Mayhall, 571 South University Boulevard, said the residents of "Universe City" were not the only ones who had been displaced but also numerous young people who go there because it is not a bar and there is no cover charge to play or listen to music.

Mr. Michael Jones, 224 West Symmes Street, said he was currently working on his C.P.A. degree at the University of Oklahoma, is an aspiring property owner in the Ward Four District, and Fire Code violations seem to be a problem with a number of property owners in Ward Four. He said he plans on buying a home in Ward Four and asked what the City was doing to alleviate the problem of code violation in Ward Four.

Mayor Rosenthal asked the City Attorney to address the questions that had been raised regarding the two-hour notice such as the inconsistencies of that notice and how others had been handled.

Mr. Jeff Bryant, City Attorney, said it was important to keep in mind this was not necessarily a Code Enforcement action but a response to a complaint made to the Fire Marshall and Fire Safety personnel. He said the Fire Marshall does not inspect residences unless there is a complaint. This particular complaint had to do with recognizing this location as a gathering spot and concerns about expecting a large turnout at a concert to be held in the basement of the residence the following week. He said the concerns were that it would be a fire danger to the participants and those attending the concert. After the complaint was filed, an inspection was made Friday morning and Mr. Holman was very cordial and cooperative with the inspection. He said there were a number of severe Fire Code and Life Safety violations that made the residence unsafe not only as a gathering place but for the residents and there was no gas to the building which made it uninhabitable. He said there was sensitivity about the time of year, the end of school, and possible weather concerns and accommodations were offered through the Salvation Army although none were accepted because residents made other arrangements with either friends or family members. He said after the inspection was made, the property owner was served with a temporary restraining order issued in District Court and assured everyone that the process went through the proper legal channels. The Judge was convinced that a Life Safety situation existed and the Fire Marshall was carrying out the order of the Judge. He said the property owner called the City Attorney's office today and expressed willingness to work cooperatively to address the Code issues and technical services will be required to make sure the work is done properly and the structure is made safe for those living there. He said the hearing date was originally set for January 22, 2010, but after speaking with the property owner, it has been moved up to January 7, 2010, and hopefully between now and then, the City can work with the property owner to get some type of remediation and bring the structure back into compliance.

Councilmember Kovach asked if the issue of access to the property could be addressed.

Mr. Bryant said the property was secured after it was vacated and the property owner changed the locks but would make a new key available to the Fire Marshall. He said anyone who wanted to collect their belongings could make arrangements with the Fire Marshall or could call the landlord.

Mayor Rosenthal asked if this could be done as quickly as possible.

Mr. Bryant said it could and the Fire Marshall or landlord could be contacted during regular business hours to assist with this.

Councilmember Dillingham said these good citizens have not had cooperation from their landlord for such a long period of time and she was glad someone from our Staff could assist them in obtaining their belongings. She said she hoped a remediation plan could be achieved for these citizens who have done nothing more than be the heart of the neighborhood and the real spirit of the community in so many ways. She said she would work with them and Staff to determine a way to allow "Universe City" to live and thrive.

Mayor Rosenthal asked Staff to examine the policy to alleviate any inconsistencies regarding how the City handles vacating property in these situations. She said the City has situations where tenants are the ones who suffer in rented property that is substandard and the issue needs to be revisited.

Miscellaneous Discussion, continued:

Councilmember Cubberley said this incident was indicative of problems with landlords that all renters face. He said previous Councils had looked into this issue but had never reached a solution. He said “Landlord Registration” needs to be brought forward again because it is long overdue in such a large college town with so many people renting residences. He said substandard housing is a significant issue not being addressed and this instance brings it back to the forefront. He said he hoped in the new year Council will make this problem a higher priority.

Councilmember Griffith said he could not imagine the frustration felt by the residents who had been evicted from their home. He hoped Council could work to remedy the situation, thanked the tenants for their graciousness, and assured them their comments had been heard.

Mayor Rosenthal said she would personally work with those at “Universe City” to find alternative venues as everyone works through the process.

Councilmember Butler said she appreciated the efforts of all those involved and their willingness to find a solution with the ultimate goal of making Norman a better place to live.

\*

Job Cuts at Griffin Memorial Hospital. Mr. Mark Campbell, 2821 Dewey Avenue, said he recently attended an Oklahoma Public Employee Meeting at the Norman Public Library regarding State budget cuts and jobs being cut at the Norman Alcohol Drug and Treatment Center at Griffin Memorial Hospital. He said these professionals live in Norman and wondered why there was not a representative from the City of Norman at the meeting. He said it takes an average seven admissions to a facility for someone with an addiction or gambling problem to reach recovery and it is guaranteed many of those who would have sought treatment at Griffin Memorial Hospital will end up in our jails, on our streets, burdening our non-profit agencies, or homeless. He urged Council to work towards a solution for this problem.

\*

Community Policing Program. Mr. Roger Gallagher, 1522 East Boyd Street, said the Community Policing Project is still not up and running. He said the money has been coming in and approximately twelve officers have completed training and he had received information that sixteen officers are no longer at the City of Norman, either retired or gone elsewhere, making the city four officers short. He asked if the City was still going to have a Community Policing Program and when it might be implemented.

\*

Happy Holidays. The Mayor and City Council wished everyone “Happy Holidays”.

\*

Thanks to War Veteran. Councilmember Adkins said he appreciated the service of the Iraqi War Veteran in the audience.

\*

Consideration of Those Less Fortunate. Councilmember Kovach said during the holidays many are happy to spend time with family and friends; yet it can be a very sad time for others. He said everyone should take a moment to consider those who are less fortunate.

Councilmember Butler said to pay attention to the needs of those around us as this can really be a hard time of year.

\*

Citizen Input Regarding Water and Utilities. Councilmember Dillingham asked citizens to help Council by attending a Citizens’ Academy on Water and Utilities. She said at the beginning of the new year, there will be a series of meetings scheduled at City Hall seeking citizens’ input regarding water and utility issues.

\*

Safe New Year. Councilmember Quinn asked citizens to have a safe and sane New Year.

\*

Miscellaneous Discussion, continued:

Shop Norman. Councilmember Quinn said there were only two shopping days left and reminded everyone to “Shop Norman”.

Councilmember Griffith urged citizens not to just “Shop Norman” but “Buy Norman”.

\*

Bond Projects. Councilmember Cubberley said he wanted to take a moment to thank Staff for all of the work done related to the upcoming Bond Election and in so many other ways that are not evident to the community. He said preparation of the street projects and the emergency projects was complicated and a tremendous amount of work. He said reconstruction projects were added to the repaving and reconditioning projects for streets because one of the shortcomings of the 2004 Bond Projects was that reconstruction projects were not addressed. He said the large road projects took most of the money and very little had been used for local streets. He said the City responded with the 2005 Bond Projects based on the Pavement Management Study which is a scientific, nonpolitical, non-partisan study of all the streets. He said every year one-third of the City streets are studied and ranked and the next round of five year projects were identified the same way, based on needs. He said \$4,000,000 has been allotted for reconstruction of neighborhood streets in the upcoming Bond Election.

Councilmember Griffith said for the last 18 months he had the opportunity to work with an amazing City Staff and wanted to thank them. He said there had never been a question he had asked that had not been answered. He said one instance was the “Haddock Street Project” that was supposed to be a simple overlay project but had turned out to be a reconstruction project. He said funding was not available to finish the project, but the Director of Public Works had helped find the money to finish the project. He said just asking a simple question to a concerned City Staff helped the project get completed and he wanted Staff to know he was thankful.

Mayor Rosenthal thanked Council for working on getting this bond package together for the election on March 2, 2010, which is also the date for the Municipal Election. She said it had been past practice of other Councils to avoid putting money issues on a Municipal Election to distance the issues of running for City Council and asking citizens to vote on putting money on a project. She said this shows courage on the Council’s part to bring this forward at this time. She said this is an important vote and as the word gets out, hopefully citizens will support it.

\*

State Human Rights Award to the Selmon Family. Mayor Rosenthal said she had attended a ceremony at the State Capitol honoring the Dewey and Katherine Selmon Family with the 2009 Human Rights Award by the State Human Rights Commission. She said this was a remarkable recognition of that family and what they are doing on behalf of orphans in West Africa.

\*

Main Street Christmas Holiday Parade. Mayor Rosenthal thanked Ed Copelin and the volunteers and organizers of the Norman Main Street Christmas Holiday Parade held on Saturday, December 11th. She thanked the walkers, bikers, and roller skaters who helped her fill a truck with food and personal items for Food and Shelter for Friends.

\* \* \* \* \*

ADJOURNMENT

There being no further business, Councilmember Quinn moved that the meeting be adjourned, which motion was duly seconded by Councilmember Kovach; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the meeting was adjourned at 8:45 p.m.

ATTEST: